



CITY OF HAYWARD
AGENDA REPORT

AGENDA DATE 02/03/04
AGENDA ITEM 3
WORK SESSION ITEM _____

TO: Mayor and City Council
FROM: Director of Public Works
SUBJECT: Vacation of Baumberg Court West of Baumberg Avenue

RECOMMENDATION:

It is recommended that the City Council adopt the attached resolution vacating a portion of Baumberg Court.

BACKGROUND:

Baumberg Court is a portion of the street established as County Road 2636, Arden Road. The name of Arden Road (extending westerly of Baumberg Avenue) was changed to Baumberg Court in 1975. In order to better develop his property on Arden Road, the applicant is requesting to vacate a portion of unconstructed Baumberg Court. Originally, Baumberg Court (as Arden Road) was intended to connect with Eden Landing Road. It is not needed in the future, since the present Arden Road has been constructed and provides that connection.


Three parcels of land have frontage on the portion of Baumberg Court to be vacated. With the exception of a state-owned parcel, this partial vacation does not impact access to the other parcels on Baumberg Court. After vacation, the portion of right of way currently designated as Baumberg Court would be incorporated into the three contiguous parcels. This vacation would also reduce the problems of recurring cleanup caused by trash-dumping on this end of this essentially unused roadway, since it will be fenced by the abutting property owner.

The Wildlife Conservation Board of the State of California Department of Fish and Game, which manages the state-owned parcel, has indicated that their main access is at the end of Eden Landing Road with a secondary entrance off Arden Road, opposite the intersection of Corporate Avenue. They currently have an old gate at the end of Baumberg Court that is never used and they do not object to this vacation. There are currently two sewer lines and a water line within the area of the proposed vacation. Easements for the sewer and water lines will be reserved by and for the future use of the City.

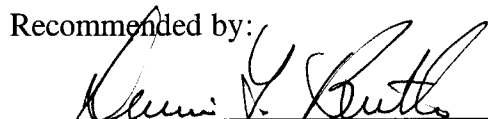
The Planning Commission held a public hearing on this proposal at its regular meeting of January 8, 2004. By unanimous vote, it found that this proposal is categorically exempt from CEQA; found that the proposed vacation of right-of-way and easements, as shown on the attached map, is not in conflict with the General Policies Plan; and recommended to the City Council that it adopt a resolution vacating a portion of Baumberg Court.

On January 20, 2004, the City Council adopted a resolution stating its intent to vacate a portion of Baumberg Court and to hold a public hearing. The area has been posted and the proposal has been published in the Daily Review, in accordance with law.

Prepared by:


Robert A. Bauman, Deputy Director of Public Works

Recommended by:


Dennis L. Butler, Director of Public Works

Approved by:


Jesús Armas, City Manager

Exhibits: Vicinity Map

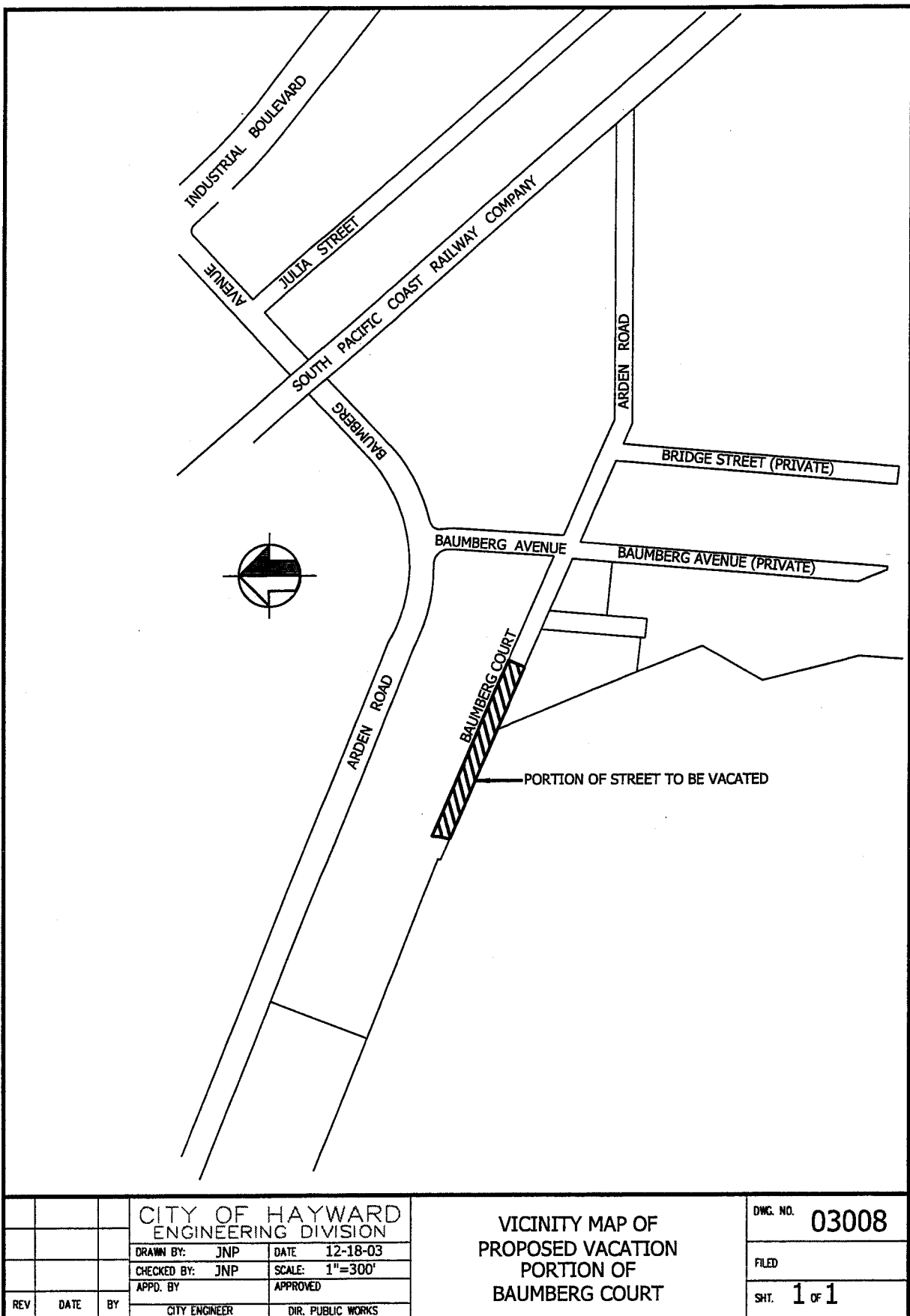


Exhibit A

DRAFT

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

Introduced by Council Member _____

**RESOLUTION VACATING A PORTION OF BAUMBERG
COURT NO LONGER REQUIRED FOR PUBLIC PURPOSES**

WHEREAS, by Resolution No. 97-187, the City Council declared its intention to proceed under the provisions of section 8320 et seq. of the California Streets and Highway Code to vacate a portion of Baumberg Court, as more particularly described on the attached Exhibit "A";

WHEREAS, the matter has heretofore been referred to the Director of Public Works who has submitted his recommendation on the vacation; and

WHEREAS, the Planning Commission has determined that the vacation is consistent with the General Policies Plan of the City of Hayward.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward finds from all evidence submitted that the portion of Baumberg Court referred to in the above mentioned resolution of intention is unnecessary for present or prospective public purposes with the reservations and exception noted below; and

IT IS THEREFORE HEREBY ORDERED by the City Council that the portion of Baumberg Court in the City of Hayward, California, be and the same is hereby abandoned and vacated subject to the reservation of a utility easement, as more particularly described in the attached Exhibit "A."

BE IT FURTHER RESOLVED that the City Manager is authorized to execute a quitclaim deed for the portion of Baumberg Court to be vacated.

BE IT FURTHER RESOLVED that the City Clerk is authorized and directed to cause a certified copy of this resolution to be recorded in the office of the Alameda County Recorder.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2004

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:

MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

EXHIBIT "A"
SURPLUS PROPERTY
PARCEL 102

APN 445-150-(51)

REAL property in the City of Hayward, County of Alameda, State of California, described as follows:

PORTION of that certain parcel of land described in grant deed from Arlene M. McClellan and Darald R. Peach, to City of Hayward dated October 29, 1962, and recorded, Recorder's Series AT 173508 in Reel 751, Image 55, Official Records of Alameda County, California.

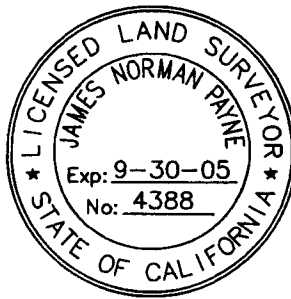
BEGINNING at the intersection of the northwestern boundary line of said parcel with the northeastern line of the State Highway leading from Hayward to Niles, known as Mission Boulevard, formerly Castro Street as described in instrument from William A McDermott and wife, to State of California, dated August 27, 1929, and recorded October 17, 1929, Recorder's Series Z/67722 in Book 2195 of Official Records, page 450; thence along said northwestern boundary line of said parcel North 60°52'05" East, 175.46 feet to a point on the northeastern boundary line of said parcel; thence along the northeastern boundary line of said parcel South 30°45'35" East, 11.20 feet to a point on the northwestern line of Carlos Bee Boulevard (formerly Hillary Stret) being 110.00 feet wide; thence along said northwestern line of Carlos Bee Boulevard, South 57°37'55" West 154.89 feet; thence leaving said northwestern line, North 75°56'42" West, 28.99 feet more or less to the point of beginning.

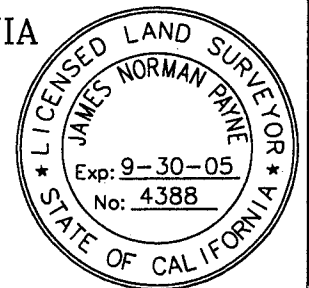
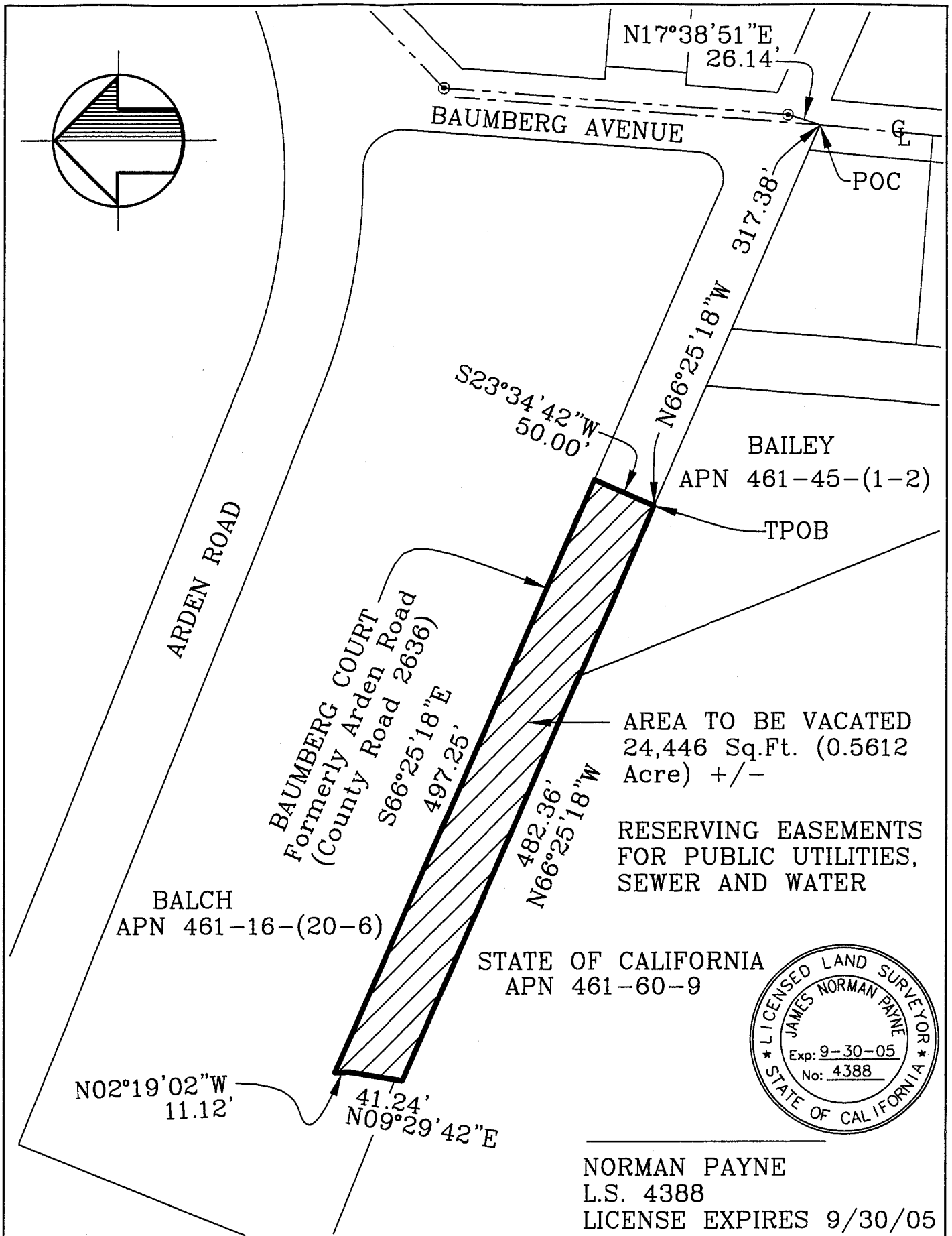
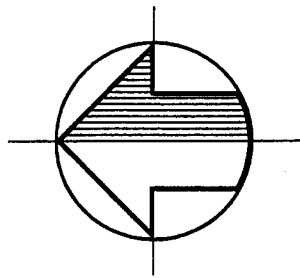
RESERVING an easement for public utilities, sewer and water over, under, across and upon the above described parcel for the benefit of the public.

CONTAINING 0.06 Acre (2600 square feet), more or less all as shown on Drawing Number 04008 attached hereto and made a part hereof.

January 28, 2004

Norman Payne, L.S. 4388
License expires 9/30/05





			CITY OF HAYWARD ENGINEERING DIVISION		VACATION PORTION OF BAUMBERG COURT PORTION APN'S 461-45-(1-2) 461-60-9 & 461-16-(20-6)		DWG. NO. 04004
			DRAWN BY: JNP	DATE 1-21-04			FILED
			CHECKED BY: JNP	SCALE: 1"=100'			
			APPD. BY	APPROVED			SHT. 1 OF 1
REV	DATE	BY	CITY ENGINEER		DIR. PUBLIC WORKS		